



10/622,088

**Fax** ☒ Urgent ☐ Return reply requested ☐ Original will be sent as confirmation

To: **United States Patent and Trademark Office**

Date: June 23, 2006

Attention: Examiner Michelle Horning

Re: U.S. Application No. 10/622,088

Filed: July 18, 2003

From: Simon J. Elliott *JE*

For: **Viral Vectors Containing Recombination Sites**

Inventors: Robert P. Bennett *et al.*

Pages (including cover sheet): 6

Fax No: 1 571 273 9036

Our Reference: 0942.5450007/RWE/BJD/SJE

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## Message

Documents attached, further to our telephone conversations of June 22 and 23, 2006.

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202371.2600

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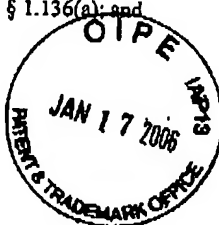
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**Applicants:** Bennett *et al.*  
**Application No.:** 10/622,088  
**Filed:** July 18, 2003  
**For:** Viral Vectors Containing Recombination Sites

**Due Date:** January 17, 2006  
**Art Unit:** 1648  
**Confirmation No.:** 1853  
**Examiner:** Brown, Timothy M.  
**Docket:** 0942.5450007  
**Atty:** RWE/BJD/SJE

When receipt stamp is placed hereon, the USPTO acknowledges receipt of the following documents:

1. Credit Card Payment Form (PTO-2038) in the amount of \$120.00 to cover:  
\$120.00 Extension of Time Fee for Large Entry;
2. Petition for Extension of Time Under 37 C.F.R. § 1.136(a); and
3. One (1) return postcard.



Please Date Stamp and Return to Our Courier

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476722.1


PTO-2038 (02-2003)

Approved for use through 02/28/2006. OMB 0651-0043

United States Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**Request and Payment Information**

**Description of Request and Payment Information:**  
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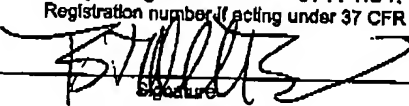
Patent Fee	Patent Maintenance Fee	Trademark Fee	Other Fee
<b>Application No.</b>	<b>Application No.</b>	<b>Serial No.</b>	<b>IDON Customer No.</b>
10/622,088			
<b>Patent No.</b>	<b>Patent No.</b>	<b>Registration No.</b>	
<b>Attorney Docket No.</b>		<b>Identify or Describe Mark</b>	
0942.5450007/RWE/BJD/SJE			

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PTO/SB/22 (12-04)

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<b>PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)</b>		Docket Number (Optional)	
<b>FY 2005</b> (Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)		0942.5450007/RWE/BJD/SJE	
Application Number 10/622,088		Filed July 18, 2003	
For <b>Viral Vectors Containing Recombination Sites</b>			
Art Unit 1648		Examiner <b>Brown, Timothy M.</b>	
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.			
The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):			
	<b>Fee</b>	<b>Small Entity Fee</b>	
<input checked="" type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$ 120.00
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510	\$
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.			
<input type="checkbox"/> A check in the amount of the fee is enclosed.			
<input checked="" type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.			
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.			
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <u>19-0036</u> . I have enclosed a duplicate copy of this sheet.			
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.			
I am the <input type="checkbox"/> applicant/inventor.			
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).			
<input type="checkbox"/> attorney or agent of record. Registration Number _____			
<input checked="" type="checkbox"/> attorney or agent under 37 CFR 1.34. Registration number (if acting under 37 CFR 1.34) <u>42,473</u>			
 Signature		<u>January 17, 2006</u> Date	
<u>Brian J. Del Buono</u> Typed or printed name		<u>(202) 371-2600</u> Telephone Number	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input checked="" type="checkbox"/> Total of <u>1</u> forms are submitted.			

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
BENNETT *et al.*

Appl. No. 10/622,088

Filed: Jul 18, 2003

For: **VIRAL VECTORS  
CONTAINING  
RECOMBINATION SITES**

Confirmation No.: 1853

Art Unit: 1648

Examiner: Brown, T.

Atty. Docket:  
0942.540007/RWE/BJD/SJE

**Reply to Restriction Requirement and Election of Species**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated November 15, 2005, Applicants hereby elect Invention II, claims 17-27, drawn to a method of constructing a recombinant virus, classified in class 435, subclass 235.1. The Examiner additionally required two species elections (i.e., a viral species, and a species of sequence of interest), in the event that Applicants should elect Invention II. Applicants hereby elect species (ii) and (viii), where the viral species is a Lentivirus, and the sequence of interest is a polypeptide. These elections of species are made without prejudice to or disclaimer of the other claims or invention disclosed. Applicants reserve their rights pursuant to 37 C.F.R. § 1.114 (a) to have additional species considered in the event that a generic claim is found allowable.

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BENNETT *et al.*  
Appl. No. 10/622,088

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,



Natalie A. Davis  
Patent Agent  
Invitrogen Corporation  
Registration No. 53,849

Date: December 22, 2005